

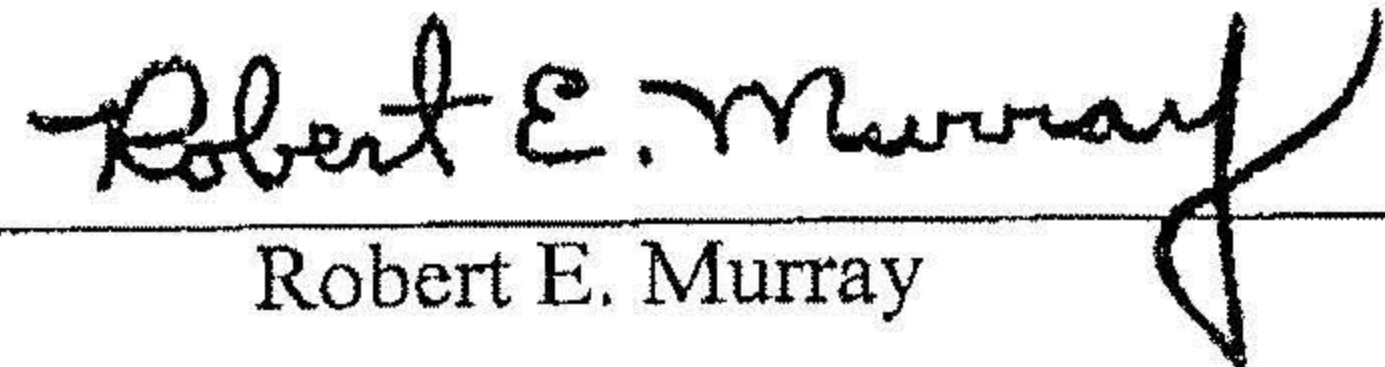
AFFIDAVIT OF ROBERT E. MURRAY

Robert E. Murray, being duly sworn, deposes and says:

1. I am over 21 years of age and competent to attest to the matters set forth herein.
2. I have received a subpoena, through my counsel, from the United States House of Representatives Committee on Education and Labor (the "Committee") dated February 21, 2008, requiring my appearance at deposition before the Committee staff on March 19, 2008.
3. I have reviewed the subpoena and have had the opportunity to confer with my counsel, Barry Wm. Levine of Dickstein Shapiro LLP, with respect to it. The subpoena commands that I "appear . . . pursuant to House Resolution 836 (110th Congress) . . . to testify on matters of inquiry committed to said Committee."
4. I have reviewed the transcript of the hearing before the Committee on October 3, 2007 and the comments made by Chairman Miller. I have also reviewed the comments of the Chairman on January 16, 2008 in opposition to a Motion to Recommit relative to the Supplemental MINER Act that Mr. Miller was sponsoring, viz, "We have a nutty [mine] owner in Utah but . . . we are not going to [drug] test that owner who is running around giving all those false reasons to those poor victims and their families as to what happened." Congressional Record, January 16, 2008, pg. H 74. The conduct manifested by the Chairman during the October 3 hearing and the Chairman's intemperate and malignant remarks of January 16 reveal an appalling lack of objectivity and present to me a hostile political environment which wholly invalidates what purports to be a legitimate investigation in search of truth. It is obvious that responding at deposition in this context would subject me to legal peril.
5. I am advised by counsel that the Fifth Amendment to the U.S. Constitution protects the innocent and that the Supreme Court has recently and throughout our Constitutional history expressed this view. That protection could be nowhere more applicable than here.

6. Accordingly, consistent with the advice of my counsel, were I to appear at the deposition on March 19, 2008, I would assert my privilege against self-incrimination under the Fifth Amendment to the U.S. Constitution and decline to provide testimony in response to any and all questions relating to the matter under inquiry.

7. I am advised by my counsel that the Committee's counsel has agreed to accept this affidavit in lieu of my appearance and that by submitting it I am excused of any further compliance therewith.


Robert E. Murray

Subscribed and sworn to before me this
18th day of March, 2008



Notary Public

My Commission expires:



STATE OF OHIO
NOTARY PUBLIC


My Commission Expires Sept. 26, 2010